

RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMAN WEEKLY and COUNCILWOMAN MONCRIEF

Also Present: DEPUTY CITY MANAGER BETSY FRETWELL, CHIEF DEPUTY CITY ATTORNEY VAL STEED, CITY CLERK BARBARA JO RONEMUS, ASSISTANT DEPUTY CITY CLERK VICKY DARLING AND DEPUTY CITY CLERK LEAN COLEMAN AND STACEY CAMPBELL

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

City Hall Plaza, Special Outside Posting Bulletin Board

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

(4:07)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

TABLED ITEM - **Bill No. 2003-78** – Establishes locational restrictions for the uses “auto pawn,” “auto title loan,” and “specified financial institution.” Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill is intended to establish locational restrictions for the uses “auto pawn,” “auto title loan,” and “specified financial institution.” Such uses will have to be at least one thousand feet from any other such use and at least two hundred feet from residential properties.

RECOMMENDATION:

TABLED pursuant to the 10/13/2003 Recommending Committee; Agendaed for the 4/5/2004 Recommending Committee

First Reading - 10/1/2003; First Publication - N/A.

BACKUP DOCUMENTATION:

Bill No. 2003-78

Submitted at meeting – Proposed First Amendment

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-78 be forwarded as a First Amendment to the Full Council with no recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF APRIL 5, 2004

City Attorney

Item 1 – Bill No. 2003-78

MINUTES – Continued:

MARGO WHEELER, Deputy Director, Planning & Development Department, stated that staff had met with several attorneys representing clients interested in this issue and summarized the changes made to the ordinance, at the attorneys' recommendation. She listed changes in language related to window signage, extending the hours of operation from closure at 8 p.m. to 9 p.m. and the size and design of units to accommodate customer waiting areas. Although these attorneys also requested that staff remove all references to distance requirements, staff believes that the distance requirements are crucial. However, as written, the distance requirements may be waived, allowing the Council the option to waive the requirement in individual cases. The distance requirement is 200 feet from any parcel for residential use and 1,000 feet from any other auto title, auto pawn or specified financial institution. This measurement language is consistent with that developed for tavern distances, other recent text amendments and the corresponding County ordinance. Staff recommends this verbiage remain in the bill.

PAUL LARSEN, Attorney, Lionel Sawyer & Collins, 300 South Fourth Street, appeared on behalf of his client in this issue and was nominated as the informal spokesman for six other interested parties in attendance. MR. LARSEN agreed with MS. WHEELER'S summary of the bill, but stressed that several comprehensive controls in the alternative proposals from the industry would address aesthetic and design concerns. These would include regulation of color schemes, signage and visual disguising of heating and cooling equipment. He stated that a subsequent draft included additional verbiage requiring a minimum capital investment so that new facilities entering a neighborhood would bring capital into the communities and not just take capital from the communities in the form of loan interest. These suggested alternatives would allow Council to regulate businesses on a basis other than distance requirement. He continued that several businesses with unattractive paint and window designs give strong indication that a neighborhood is in decline.

MR. LARSEN made it clear that his group continues to object to the distance restrictions and would like all reference to distance restrictions deleted completely from the bill. The industry believes that a distance restriction will protect questionable businesses from credible competition that would otherwise run the fly by night companies out of town. By offering the alternative measures such as minimum capital investment and regulating design and signage, the Council would have a better means to regulate this type of business.

COUNCILMAN WEEKLY said that as a result of several constituent complaints, he would like a meeting coordinated between his office, industry representatives and members of his district to better educate and understand this type of lending institution. MR. LARSEN volunteered to coordinate such a meeting and attending representatives agreed they would participate.

RECOMMENDING COMMITTEE MEETING OF APRIL 5, 2004

City Attorney

Item 1 – Bill No. 2003-78

MINUTES – Continued:

COUNCILWOMAN MONCRIEF agreed with staff recommendation. She explained that there are 31 lending institutions in her Ward at this time and that number has been unchanged since she took office. She feels that the distance requirement will not deter credible companies from entering the neighborhoods.

As a result of an initial conflict between the recommendations of COUNCILMAN WEEKLY to forward with no recommendation and COUNCILWOMAN MONCRIEF for a do pass, the Committee discussed with CHIEF DEPUTY CITY ATTORNEY VAL STEED that the effect of such a conflict would be for the item to ultimately go forward with no recommendation. COUNCILWOMAN MONCRIEF then agreed to send the bill forward with no recommendation.

ROBERT GENZER, Director, Planning and Development, confirmed with COUNCILWOMAN MONCRIEF that she would replace him as the sponsor of the bill.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:07 – 4:26)

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2004-17 – Annexation No. ANX-3693 – Property location: On the northeast corner of Michelli Crest Way and Bath Drive; Petitioned by: Cliffs Edge, LLC; Acreage: 2.60 acres; Zoned: R-U (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located on the northeast corner of Michelli Crest Way and Bath Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 30, 2004) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2004-17 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-17 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that the bill was in order.

No one appeared in opposition.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:27)

1-601

AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2004-18 – Annexation No. ANX-3714 – Property location: On the southwest corner of Chieftain Street and Bath Drive; Petitioned by: James and Lori Kibler; Acreage: 2.53 acres; Zoned: R-E (County zoning), U (TC) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located on the southwest corner of Chieftain Street and Bath Drive. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 30, 2004) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2004-18 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-18 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that the bill was in order.

No one appeared in opposition.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:27)

1-618

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-19 – Annexation No. ANX-3740 – Property location: On the east side of Fairhaven Street, 1,170 feet south of Lake Mead Boulevard; Petitioned by: Cytha Price, et al.; Acreage: 1.00 acres; Zoned: R-E (County zoning), U (GC) (City equivalent). Sponsored by: Councilman Lawrence Weekly

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the east side of Fairhaven Street, 1,170 feet south of Lake Mead Boulevard. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 30, 2004) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2004-19 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-19 be stricken. COUNCILMAN WEEKLY concurred.

MINUTES:

CHIEF DEPUTY CITY ATTORNEY VAL STEED informed the committee that this item was stricken by Council at the last meeting and was mistakenly on the agenda. His recommendation was to strike the item.

(4:28)

1-630

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-20 – Revises the zoning standards and procedures for converting public streets into private streets in existing subdivisions. Sponsored by: Councilwoman Janet Moncrief

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

A special use permit currently is required in order to create private streets within a subdivision, including to allow the conversion of public streets to private streets within an existing subdivision. It has been proposed to allow this type of conversion as a conditional use rather than by means of special use permit if certain minimum conditions are met. This bill will accomplish that objective.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2004-20

Submitted at meeting – Written statements by Danny Piker, Jennifer Norrid, Jeffrey J. Frischmann and a protest petition representing 41 properties

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-20 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development Department, gave a history of how special use permits became involved with street privatization. Prior to the change in code, the private street could be included in the lot size under Title 19A and Planning and Development was having a problem with new subdivisions meeting the minimum lot size requirements. For

RECOMMENDING COMMITTEE MEETING OF APRIL 5, 2004

City Attorney

Item 5 – Bill No. 2004-20

MINUTES – Continued:

example, the minimum R-E lot size of 20,000 square feet could actually be only 18,000 square feet after excluding the private street. The same situation arose in all zoning designations. Consequently, a text amendment was made to require a special use permit requirement for private streets, ensuring the entire net lot acreage provided for the minimum lot size.

The City currently has a situation where an existing neighborhood, the Scotch 80's, is requesting to privatize streets. All lots meet the minimum lot size requirements and staff determined that an ordinance would be necessary for this neighborhood's proposal. However, any bill passed would apply to the entire City. Staff acknowledges the economic investment necessary for the neighborhood to privatize the streets and that not every neighborhood will be able to afford to do so. In his experience, MR. GENZER stated that in only one instance a vacation of streets affected an entire neighborhood and that instance occurred prior to the special use permit requirement. The current process would require all property owners within the entire neighborhood signing the special use permit application, which is virtually impossible. This bill would allow bypass of that requirement whenever an existing subdivision wanting to vacate their streets met all other standards, especially as to the minimum lot size requirement.

MR. GENZER read the requirement provisions of the proposed bill involving public streets in an existing subdivision where minimum lot size requirements of Title 19 are met. Any private street with access control gates or cross arms must be of a breakaway design and a turn around space provided in front of any restricted access, allowing vehicles denied access to safely exit onto public streets. Subdivisions developed with private streets must have a mandatory property owners association, including all properties served by private streets. If 100% compliance is not reached among homeowners, the association must provide Council with a contingency plan to address the lack of membership and payment. Private streets must be constructed on property owned separately by the owners association so as to remain a separate parcel not owned by a specific property owner. Private streets must also include provisions for appropriate easements to the City and other utility providers for necessary use, access and maintenance thereof. MR. GENZER stressed the importance of the turn around space regarding the neighborhood applying for vacation because that provision has never been previously addressed. Without sufficient clarification of that need, staff would recommend denial of any vacation application.

The proposed provisions allow a neighborhood the ability to apply for a vacation. A specific concern remains with regarding to the 750 foot notification radius requirement associated with a special use permit versus vacation notification of only the adjacent property owners. This will require someone make a judgment call as to the appropriate notification standard. In the case of the Scotch 80's, staff would make every effort to provide notification to properties beyond those

RECOMMENDING COMMITTEE MEETING OF APRIL 5, 2004

City Attorney

Item 5 – Bill No. 2004-20

MINUTES – Continued:

fronting the streets proposed to be vacated, should such an application be made. A secondary text amendment may also be necessary to change the notification requirements for vacation applications to ensure all future applications are notified in the same manner.

COUNCILWOMAN MONCRIEF clarified that a notification text amendment could provide for notification of all property owners, including those who ingress or egress from any gated areas. MR. GENZER replied that staff would try to do so regardless, but he suggested a notification radius requirement for any vacation as well. With the present verbiage for vacations, only property owners on that street are notified and it is possible that no one else in a neighborhood would know. At this time, only those directly affected by the vacation are notified pursuant to State statute.

DANNY PIKER, 1217 Park Circle, introduced himself as President of the Scotch 80's Homeowners Association. He read a statement, a copy of which is incorporated into the record, supporting approval of bill 2004-20.

COUNCILWOMAN MONCRIEF emphasized that bill 2004-20 is not specifically for the Scotch 80's neighborhood, but for the entire City. She requested the discussion not center around the Scotch 80's proposal.

JENNIFER NORRID, 1208 Mercedes Circle, stated that she did not oppose street privatization, but did have an issue with the current version of the bill. She received clarification that the requirements listed within the bill could not be waived, addressing many of her concerns. She wished for three things on behalf of her neighborhood; impartial representation, accurate and forthcoming information and fair consideration. She submitted a letter outlining her areas of concern as a part of the record.

JEFFREY J. FRISCHMANN, 1208 Mercedes Circle, submitted for the record and read a letter of opposition against the bill.

KATHY MORGAN, 1320 Ormsby Avenue, submitted a petition signed by 41 property owners and discussed the items of concern noted on the petition.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:28 – 4:55)

1-651

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-21 – Updates the City’s emergency management provisions. Sponsored by:
Mayor Oscar B. Goodman

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will update the provisions of LVMC Chapter 2.30, relating to emergency management, in accordance with recommendations made by the City’s Management Committee for Emergency Operations. The changes are minor in nature and are intended to simplify the process of responding to emergencies and give the City greater flexibility during that process.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2004-21

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-21 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

DEPUTY CITY MANAGER BETSY FRETWELL explained the changes the bill will enact, including adding the Sheriff and Chief Health Officer to the Emergency Operations Committee. There are procedural changes linking City actions during an Emergency to the powers given to the City in the Charter, without specification. This allows the Council the necessary latitude to be effective. The title of the position is also changed to Emergency Management Coordinator. It allows the Emergency Management Operations Committee to modify the Emergency Operation Plan on a regular basis and to report changes annually to Mayor and Council.

RECOMMENDING COMMITTEE MEETING OF APRIL 5, 2004

City Attorney

Item 6 – Bill No. 2004-21

MINUTES – Continued:

The bill also specifies that two Council members will be on the Emergency Management Operations Committee.

COUNCILMAN WEEKLY suggested that a Recommending Committee member be involved in this Committee. As a member of the Homeland Security Committee, he expressed a concern with the way information gets to local government representatives relating to homeland security. The City needs to be more involved in information and its dissemination to avoid miscommunication.

DEPUTY CITY MANAGER FRETWELL acknowledged that the Emergency Plan would not directly address the State communication issues. COUNCILMAN WEEKLY indicated his intention to discuss his concerns at an upcoming Committee meeting.

AL GALLEGOS, Las Vegas resident, cited a past incident where he and some of his neighbors were locked out of their neighborhood due to police activity involving a murder. His complaint was that there was no one available to assist them in getting back into their homes. Someone with authority should be made available to the citizens during the weekend should this happen in the future.

No one appeared in opposition.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:55 – 5:00)

1-1592



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

None.

(5:00)

1-1806

THE MEETING ADJOURNED AT 5:00 P.M.

Respectfully submitted: _____
STACEY L. CAMPBELL, DEPUTY CITY CLERK I
April 6, 2004